

REMARKS

The Examiner is thanked for the due consideration given the application. A substitute abstract has been provided.

Claims 21-32 are pending in the application. Support for the amendments to independent claim 21 can be found in the specification at page 4, lines 23-35 and in Figure 2. The allowance of claims 24-32 is noted with appreciation.

No new matter is believed to be added to the application by this amendment.

Entry of this amendment under 37 CFR §1.116 is respectfully requested because it places the application in condition for allowance and addresses a matter of form set forth in the Official Action.

The Specification

The abstract of the disclosure is objected to as not being of proper language and format. A substitute abstract of the disclosure has been provided that is of proper language and format.

Rejection Under 35 USC § 103(a)

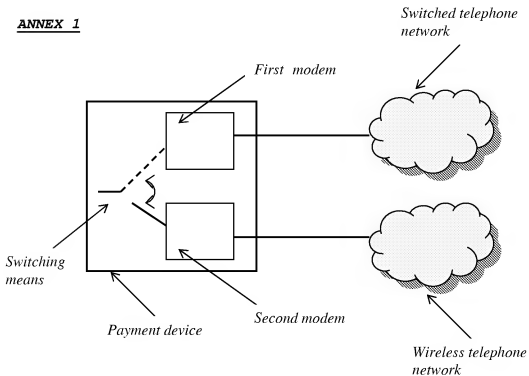
Claims 21-23 have been rejected under 35 USC § 103(a) as being unpatentable over VAZVAN (WO-9613814) in view GELL (U.S. Patent 6,577,858). This rejection is respectfully traversed.

The present invention pertains to a device for acquiring information relating to payment means and for

transferring this information to a server center of a banking organization.

A first embodiment of the present invention is set forth, by way of example, in claim 21, which sets forth a device for payment, including first means able to be connected to a switched telephone network, and second means able to be connected to a wireless telephone network. The device further includes switching means for using the first means or the second means for establishing a telephone link with a server center.

This first embodiment of the present invention is illustrated below.



Among the features of claim 21 (which are not disclosed by VAZVAN) the following include:

- a first means for dialing telephone numbers and a first modem having elements of **wired** telephony circuits enabling the device to be connected to **a switched telephone network** for establishing a first telephone link;
- a second modem for establishing a second telephone link between the CPU (associated with the same payment reading means) of the device and the server center; and
- a switching facility for selectively placing the CPU in communication with the first or second means for dialing telephone numbers.

VAZVAN pertains to a real time telepayment system. The Official Action refers to Figures 1 and 2 of VAZVAN, which are reproduced below.

FIG 1

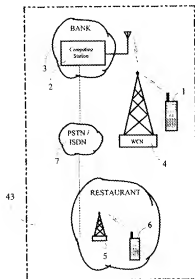
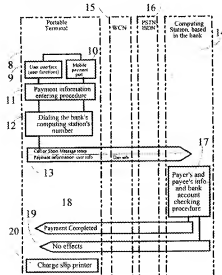


FIG 2



VAZVAN is solely concerned with communication with a mobile communication network. There is no disclosure of connecting the payment means of the mobile telephone by means of a switched wired telephone network.

Moreover, VAZVAN fails to teach the user to selectively connect the central processing unit associated with mobile terminal 6 to a first dialing means **or** to a second dialing means so that the central unit can be connected to the server center by means of a first telephone link or a second telephone link. Instead, it is only possible to connect the computing station via one telephone link, and only one dialing means is provided.

In contrast, the present invention (as defined by claim 21) provides the technical advantage of transmission reliability since either telephone link may be linked to transmit data from the central processor to the server center. VAZVAN suffers the technical problem that if the wireless telecommunications link was malfunctioning, then there would be no alternative way of communication between the CPU of the mobile terminal and the central server of the bank processing the payments.

There is thus no teaching or inference in VAZVAN for communication via a switched network since VAZVAN is solely concerned with mobile terminal users. In fact, VAZVAN teaches away from the usage of fixed wired networks (see page 1, paragraph 3 "user mobility in such system is completely limited.").

At page 3, lines 15-21, the Official Action acknowledges some of the failures of VAZVAN:

However, Vazvan does not specifically disclose the features of a second means for dialing telephone numbers, said second dialing means being associated with the second modem, wherein the second means for dialing telephone numbers and the associated second modem consist of elements of wireless telephony circuits, so that the device is able to be connected to a wireless telephony network for establishing the second telephone link, and a switching facility for selectively placing the central unit in communication with the first or second means for dialing the telephone numbers.

At page 4, line 21 to page 5, line 2, the Official Action acknowledges more of the failures of VAZVAN:

Regarding claims 22-23, Vazvan discloses everything claimed as explained above except the features of a switching facility that consists of a switching facility which can be actuated manually by a user, where the switching facility comprises voltage detection means provided in a circuit for interfacing with a switched telephone network.

The Official Action turns to GELL to address the failures of VAZVAN.

Even if the skilled person was to refer to GELL, he or she would not arrive at the invention as defined in amended claim 21. There is no disclosure or inference in GELL of a central processor associated with a payment means being able to selectively connect via either a first or second telephone link to a server center.

Instead, in GELL each communication link is associated with a **respective** central processor of the corresponding terminal (1a, 1b or 1c) – see column 11, lines 11–18. There is no possibility of the central processor of 1a (Figure 7, reproduced below), for example, being able to connect via an alternative telephone link (i.e., the telephone, link 1b or 1c) to accounting apparatus 32.

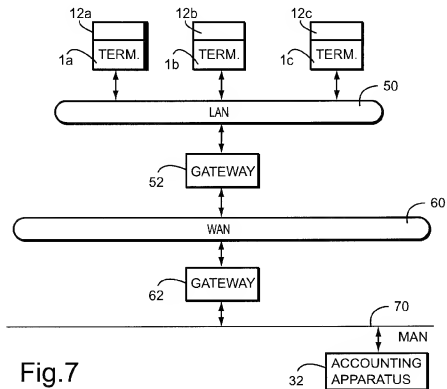


Fig.7

Moreover, GELL fails to disclose the provision of different types of telephone links between the terminals and accounting apparatus 32. Each link illustrated in Figure 7 passes through the same LAN network, thus providing the same type of communication link.

Figure 1 of GELL (reproduced below) illustrates a customer premises equipment connected to two **like** telephone links since both are pulse switch network types. Moreover, the CPE of Figure 1 does not have a means for reading payment means.

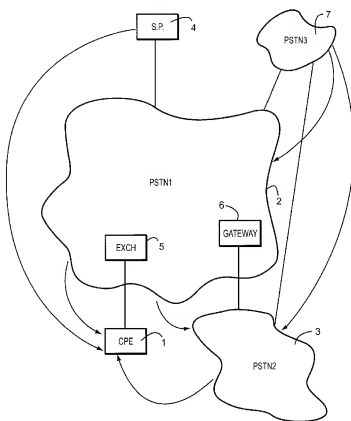


Fig.1
PRIOR ART

As a result, one of ordinary skill and creativity would fail to produce independent claim 21 of the present invention from knowledge of VAZVAN and GELL. A *prima facie* case of unpatentability has thus not been made. Claims depending upon

independent claim 21 are patentable for at least the above reasons.

This rejection is believed to be overcome, and withdrawal thereof is respectfully requested.

Conclusion

The objections and rejection are believed to have been overcome, obviated or rendered moot and that no issues remain. The Examiner is accordingly respectfully requested to place the application in condition for allowance and to issue a Notice of Allowability.

Prior art of record but not utilized is believed to be non-pertinent to the instant claims.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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APPENDIX:

The Appendix includes the following item(s):

- a substitute Abstract of the Disclosure